it is with a view of preserving the peace of the family, and where it is said that the admission of such testimony would lead to dissension, discord and even perjury, and that the confidence existing between

is with a view of preceiving the peace of the lamily, and where it is said that the admission of sene testimony would lead to dissension, discording the property, and that the confidence existing between

MAN AND WIFE

should be sacredly cherished. But if those cases are carefully examined it will be found that this question in its origin and cause was not nilly considered. And then he proceeds to examine those cases, and he says:—"With respect to the protection of confidential communications between husband and wife there is good reason for such protection of confidential communications to the protection of confidential communications to excluding husbands or wives of parties are often accompanied with sacred decarations in layor of such protection; but as the exclusion extended to all the testimony, whether it was confidential or not, and as no protection was given to conjugal confidence in respect to witnesses not parties, who were as much within the reason of the rule as it existed, or the other class, it may be saidly affirmed that no such rule has as yet been established. As to the authorities, most of the decisions in layor of excluding the wile were given in cases where the husband was saxinded, and therefore no matter how strong may have been the expression of public policy, and in ravor of preventing domestic discord, and so forth. All these decisions are consistent with the principle that interest was the ground of objection." And no then proceeds to reason upon the effect of abouthing the disqualification of interest, and finally holds in consonance with opinions in his reason with the principle that interest was the ground of objection." And no then proceeds to reason upon the effect of abouthing the disqualified to reason upon the effect of abouthing the disqualified to reason upon the effect of abouthing the disqualified to be common to the wife of the husband. The decision was whether she was a competent with the proceed to the content of the content of the content of the content of the content runsy be anoly affirmed that no such rule has at yet been estanished. As to the authorities, and yet been estanished. As to the authorities, while were given in cases where she hasband was seconded, and therefore no matter now attors, and the principle that interest where the hasband was seconded, and therefore no matter now attors, and in large or preventing comested discovers and so forth. All these decisions are consistent with the principle that interest was the ground of the principle that interest the property which had been the principle that the case of Weirkamp vs. White, to be found in the fourth volume of "Abbott's Court of Appeals Becimons," at page 56s. That if and offered as a wincess where the question was as to whether the property, which had been brought, belonged to the wice or to the inhaband, and it was held had been brought, belonged to the wice or to the inhaband. The question was whether she was a competent witness, and it was held hat she was a competent witness, and it was held hat she was a competent witness. The court say the rule of the common law rule was a party to tother would be a competent witness. The court say the rule of the common law rules or directly interested in the subject of the wile was a party to the well and the subject of the party which had not claim, and so torth, Now, art, the party, the court say the rule of exclusive the property of the party would be at once as an analysis of the party would be at once as any of the rule of exclusion upon any of the party would be at once as any of the party would be at once as any of the party would be at once as party to the party to the party would be at once as party to the party would be at once as party to make a party to the party would be at once

the rule married lolks might be in salety, out after death or divorce it must be enforced, for it could no longer nelp or harm. But the stawte in question discards the rule of the common law to stand for confidential communications between husband and wile it would longer exist. The husband and wile may how be witnesses for and against each other in all cases except in those in which is quality, that is, the quality of being a connidential communication. But, sir, it is said that this is the destruction of conjugal felicity, that in its principal effect it must necessarily introduce wranging and dissension into the domestic circle, and destroy that union upon which the principles of the common law rest. The law should be firm it a policy of that kind is to be pursued, and it should be universal. How is it to be preserved it, as our Court of Appeals ruled, the husband and wife may sue each other, and the husband and wife may sue each other, and the husband and wife may be witnesses against each other. Does not that conflict with this idea of demestic harmony? Is not the unity of the conjugal relation just as directly assailed, and will not discord and enmity be equally propagated, by allowing the susband and wile to be witnesses against each other, and e.c.n. It testify to transactions between themselves, and each reflecting upon the credibility of the other. And if this beautiful idea of

and he reters to a number or authorities, and shows the proof offered to the witness Dann; and plaintiff was of the class held insudicent, and was preperly excluded within these cases. And that was the ruling and that was the whole extent of the decision. Then it was argued, on the part of the appellant, that he was made a witness under the act of 1867, and the Cour passed that very grave and important colleague, which it is a surface to the appellant, that he was made a witness under the act of 1867, and the Course passed that very grave and important was a competent witness for what was not offered as such it was a competent witness to prove such marriage. And to that extent and that only did the Court construct the application of the act of 1867, the Court proceeded to say, "The act of 1867 enabling the husband and while to be witnesses for or against each other expressly excepts cases where the question of the adultery of the husband or whe is in controvers, except to prove a formor marriage in actions of oligany, and the fact of marriage in actions of oligany, and the fact of marriage in actions of outwore." And with that single remark, without any examination of previous authorities, without any our examination of previous authorities, and our examination and our examination and our examination of previous author

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**THE COURT OF THE PROPERTY OF

repeat, is giorying in his own impunity from punishment; but still be quiet, and if you venture to adopt the only remedy which the law gave you eloquent counsel shall hold you up to scorn and contempt of a court and a jury and of all manklad." Well, to my mind, there is something excessively repugnant in the idea of civil action hounded upon seduction. It hurts the better sentiments of our nature; it revolts that affection upon which samily at home rest, and upon which society and government depend; but when the law leaves no other remedy than that; aye, sir, when the law gives to the disnongred husband no other revenge but, consistently with its own teachings, does it become the ministers of the law to reproach the husband who resorts to that redress? Now, sir, I am aware that these thoughts and remarks are not pertinent to this argument, and this only because my learned friend in his spectous and insidious way sought to inculcate this idea of disgrace and dishonor from the lact of oringing this action. I have wandered from the perfect path of discussion for the purpose of remedying this mis-statement. This is all, sir, I have to submit to Your Honor. I can but repeat the spirit of the argument which my learned colloague and myself have addressed to you. I can but implore you, out of regard for the great interests which are necessarily involved in the discussion and in a decision, to give us a decision which shall be in narmony with the spirit, if I may call it, of our present civilization, a decision which shall be in narmony with the spirit, if I may call it, of our present civilization, a decision which shall be in narmony with the spirit, if I may call it, of our present civilization, a decision which shall be in narmony with the spirit, if I may call it, of our present civilization, a decision which shall be in narmony with the spirit, if I may call it, of our present civilization, a decision which shall be in narmony with the spirit, if I may call it, of our present civilization, a decision which shall b

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on the fragments of disfigured evidence which will ensued the will of this husbang should be made master over him, and the law not master over him.

Mr. Evarts concluded his argument by calling the attention of the Judgo to the lact that the City Court was bound by the decision of the Supreme Court, notwithstanding the point of argument which had been raised to the contrary. This proposition was (Mr. Evarts') that the determination of the General Term of the Supreme Court is as binding on this court as on any other court in the district.

JUDGE NEILSON'S ACTION. JUDGE NEILSON'S ACTION.

JUDGE NEILSON'S ACTION.

Upon the termination of Mr. Evarts' argument, Judge Neilson, addressing the counsel, said that he could only say to the learned gentlemen whom he had neard on this argument that he was july impressed with its weight and importance, and he would endeavor to give it all possible attention. He did not intend, however, to write an opinion, as he did not consider that it was necessary for him to do so. He would do nothing more than give them the statement of his conclusions, which ne would frankly state, and should ne commit any error it could be rectified. He suggested that if the counsel would agree among themselves in the matter, it might be well to convene for the trial during the coming week at hall-past ten instead of eleven o'clock each morning and adjourn at hall-past four instead of loth o'clock in the afternoon. By so doing they would greatly economize time and would gain one day in the course of the week.

Mr. Evarts replied that a case of such magnitude

time and would gain one day in the course of the week.

Mr. Everts replied thata case of such magnitude and importance as this had never, in his judgment, been brought to trial upon so short a notice, and the abor which it entailed upon the counsel was very great. They could save more actual time by being absent from the Court that extra hour proposed, which could be devoted to the preparation of points in the case, than would be possible were they to accede to the proposal of his Honor.

Judge Nellson then asked some information touching Mr. Everts' understanding upon the right of subshaff and wife to testily in suits other than crim, con, under his interpretration of the Act of 1899, which, being imparted, the Judge reminded the jury of his oft-repeated warning against reading the newspapers and conversing now four o'clock, the Court adjourned.

And so closed the fourth week of the great scandal case.

mind events of their own history—patriotizing the name of God. And in that respect you will be struck with all the propiets and psaims how incessantly they wind the thread of history with God. We have the God of Aoraham and Isaac and Jacob, and we have "Thou that leadest thy people like a flock," referring to the God who led them through the wilderness; but we have no appropriation of God to our own thoughts and feelings. O God! my Goi! You want the mensity of this sense of ownership in God. He was the Go! who established the world, the God that made the sea retire, the God of the nusoandman and shepherd, the God of all their relations, and He was the personal God. They had an amplitude and variety in association and personal experience and home thoughts that made the idea of God ever familiar. We have a God who is

made the idea of God ever familiar. We have a God who is

LORD GOD ALMIGHTY,
omniscient, omnipotent, omnipresent—God, the Father of Jesus Centst—and He is the God, too, of Abraham and Jacob and Isaac; we don't care about them; they were emineuty respectable, but they don't thrill us, and we go on using those old names because they once had flying power. Do we accusted ourselves to imitation and make our God appear to us as the ancient flebrews did to them! There is a want of appropriation, the bringing near of God to us. In this respect we are making the name of God dry and arid. I taink if we had something more oriental it would be more comforting. How far this should be employed is a matter of consideration. In exercises of public worship it is likely to be misjudged by the untrained mind, but in a man's own household there are no such restrictions. And how natural it would be if you were to give titles to God springing out of the realization of His feeting for would be if you were to give titles to God spring-ing out of the realization of His feeling for you. Suppose a man and a single child, it does not matter that he is much afone, he has this one fittle well out of which he is to draw his water of life. Well, suppose him to be airxious; the child is latting; he knows not what to do; he is in poverty and

lie. Well, suppose him to be abxlous; the child is lating; he knows not what to uo; he is in poverty and

DESTITUTE OF FRIENDS.

He kneels down and says, "O Lord God. God of Abraham and isaac and Jacob." Shall I reduce him? On, no! I is not so great a hall. But suppose he should say, "O God of my darling gui! O God, who gave her to me four years ago!" don't you suppose it would bring God nearer to him? The old Hebrews took their experience and life, putt to n high, and it shone as his God. Seldom do we take what is carnest and loving and give to it a human and personal soul, giving titles which shall identify God with us. Schoom do we express what is meant by the term Emmanuel—God with us. There must be times when he seem as reveated to us specially. And so is the thought of God and the using of His hanc, bear in mina, that which brings him nearer. All these elements are not to be feared as irreverent, out are to make him dearer. God is not so great that he has forgotten he is father.

Here ar. Heecner gave a space for remarks, and a brother said:—"It seems to me we want a personal God, and I think the 'reason we have not is because we have got a smattering of science, is it science that is detrimental to our spiritual nature, and can you explain it?" Mr. Beecher said:—"Well, you area physician, and you know that if a man was led on lood which did not supply him with lime for bones there is that in his nature which would crave for lime, so if a man has been cheated in regard to one element, there is that in him which reverges itself. Thus, if you take notice when Quakers join other churches it is always the Episcopal or Methodist Church.

If you make the New Jorgsalem like a city, not of twelve gates, but twelve hundred, so that one cannot think of God without finding nimself over one of the gates, but twelve hundred, so that one cannot think of God without finding nimself over one of the gates, but twelve hundred, so that one

NEW YORK CITY.

Five persons were injured through falling or slippery icewalks yesterday.

The Liberal club held its regular meeting last

evening at Plimpton Hall, when Mr. W. L. Ormsby, Jr., delivered a lecture entitled "A Known Factor William Livingston, who stabbed Lawrence Mes

satt the night before last in a liquor saloon in the Ninth ward, surrendered himself last night to Captain Kennedy.

musical entertainment this evening at their Club House, in irving place. The ladies' reception will be given next Monday. The German Republican Central Committee, Judge Dittenhoefer presiding, held a meeting at No. 349 Bowery, last hight, to complete its reorganization for the ensuing year.

John Schwartz, Sr., of No. 8 Beach street, was

knocked down last evening by stage No. 408, of the Fifth avenue line, at Fourteenth street and Broadway. He was severely but not dangerously Mr. Charles Trudell, Treasurer of the Army

and Navy Club, reported to the police last night that Aifred P. Evans, the bookkeeper of the club, had absconded, taking with him \$550, the funds the club. The funeral of the late ex-Alderman Edward

Schlichting took place yesterday atternoon from his late residence, No. 120 East 123d street. A number of members of the Board of Aidermen

Mr. Emil Schumann, Chief Engineer of the steamer Polaris, entertained an appreciative audience last night at Steinway's by a lecture on that ill lated Arctic expedition, linearrating it with several magnificent stereophicon views.

The next lecture in the Cooper Union Free

ing, in the great hall, by Professor George L. Goodale, of Harvard College, on "The Leaf and Its Work," being the second of a series of four lectures on botany.

publican General Committee met last evening and heard evidence in the cases of the Twenty-first district and the Twenty-third ward. The commit-tee will make its report to the General Committee at its next meeting.

At the third social gathering of the Vale Alumni. held last evening at Delmonico's, Professor Sumner made an interesting statement relative to the introduction and progress of the method of teaching social science in that university. Owing to the absence of text books progress was as yet retarded, but the Professor trusted that ere long the system would realize all the success hoped for it.

The Court of Arbitration met at the Chamber of Commerce yesterday. The only case heard was that of Imhorst vs. Bensusan, in which the former sues for the value of 200 hogsheads of claret wine, sues for the value of 200 nogsneads of claret wine, which the latter contracted for, but refused to take, because it was not delivered on time. No new evidence was clicited and the case was adjourned to a future meeting of the Court, and it will be several weeks before a decision is given.

NEW JERSEY.

The jury in the Ricardo case yesterday rendered a verdict of simple assault, the penalty of which is a fine of \$25.

In the Court of Quarter Sessions at Jersey City yesterday, William A. Campbell, the absconding leweller, pleaded guilty to nine charges of embez-zlement. The city debt of Plainfield-for which no means

of payment are provided—amounts to \$3,437. The estimate for the expenses of the city for the present year is \$15,000.